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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PAULEY PETERSEN KINNE & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

EXAMINER

ANDERSON, CATHARINE L

ART UNIT PAPER NUMBER

3761

DATE MAILED: 01/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,888

Applicant(s)

RUMAN ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 14-17, 26-33, 35, 38, and 41-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (3,039,466).

Wilson discloses a disposable pant garment, as shown in figure 1, comprising a chassis having a front and a back direction. Front side panels 28 and 30, and back side panels 22 and 24, extend from the chassis, as shown in figure 3. The front and back side panels 22, 24, 28, and 30, each have a waist end edge and a leg end edge, and a distal edge extending therebetween, as shown in figure 3. The distal edge of each side panel defines a vector that crosses the longitudinal axis of the chassis at congruent angles.

With respect to claims 2 and 16, the angles defined by the side panels are acute angles, as shown in figure 3.

With respect to claim 3, the distal edge of the front side panels 28 and 30 defines a vector extending from the leg end edge towards the waist end edge, and the distal edge of the back side panels 22 and 24 defines a vector extending from the waist end edge to the leg end edge, as shown in figure 3.

With respect to claim 4, the front and back side panels are engagable along their distal edges to create a side seam, as shown in figure 2.

With respect to claims 5, 6, and 17, the front and back side panels are releasably and refastenably engagable, as disclosed in column 5, lines 16-25.

With respect to claim 14, the front and back panels may be bonded to the chassis, as shown in the embodiment of figures 19 and 21.

With respect to claim 15, the front and back panels may be integral to the chassis, as shown in the embodiment of figure 3.

With respect to claim 26, 32, and 33, the front and back panels each are constructed from at least two pieces of material, as shown in figure 19 and 21. One piece is proximal the absorbent chassis, shown in the figures as being the inner layer of the panels, and the other is distal the chassis, shown in the figures as the outer layer of the panels.

With respect to claim 27, the angles defined by the side panels are acute angles, as shown in figure 3.

With respect to claim 28, the distal edge of the front side panels 28 and 30 defines a vector extending from the leg end edge towards the waist end edge, and the distal edge of the back side panels 22 and 24 defines a vector extending from the waist end edge to the leg end edge, as shown in figure 3.

With respect to claim 29, the front and back side panels are engagable along their distal edges to create a side seam, as shown in figure 2.

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With respect to claims 30 and 31, the front and back side panels are releasably and refastenably engagable, as disclosed in column 5, lines 16-25.

With respect to claims 35 and 38, the back side panel comprises elastomeric materials including the elastic provided in edge portion 21, as disclosed in column 3, lines 7-10.

With respect to claims 41 and 42, the distal edges of the front and back side panels are not collinear, as shown in figure 3.

With respect to claims 43 and 44, the fastening components are integrated into the side panels, as shown in figure 19 and 21.

With respect to claims 45 and 46, the garment is fastenable by overlapping the front and back side panels, as shown in figure 2. The front side panel therefore overlaps the back side panel, and vice versa.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-12 and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (3,039,466) as applied to claims 6 and 17 above, and further in view of Anderson (5,062,839).

Wilson discloses all aspects of the claimed invention with the exception of hook and loop fasteners.

Anderson discloses a disposable pant garment 10, as shown in figure 1, having front and back side panels 22, 24, 26, 28. The front and back side panels are releasably engagable by means of fastening components 18. The fastening components 18 comprise hook and loop fasteners that allow for easy removal of the garment, as described in column 4, lines 27-37.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the garment of Wilson with hook and loop fasteners, as taught by Anderson, to allow for the easy removal of the garment.

With respect to claims 9, 10, 20, and 21, Anderson remains silent as to which member of the hook and loop fasteners is located on which side panel. It would have been an obvious matter of design choice to place the loop fastener on the back side panel and the hook fastener on the front side panel, as the applicant has not shown that such a placement serves any particular purpose or solves any specific problem.

With respect to claims 11, 12, 22, and 23, Anderson discloses the fasteners 18 extending from a first surface of the garment on the back side panel, and a second surface of the garment on the front side panel, as shown in figure 1.

With respect to claim 24, Wilson discloses the front and back panels may be bonded to the chassis, as shown in the embodiment of figures 19 and 21.

With respect to claim 25, Wilson discloses the front and back panels may be integral to the chassis, as shown in the embodiment of figure 3.

Claims 13, 34, 36, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (3,039,466) as applied to claims 6 and 17 above, and further in view of Ashton et al. (6,443,940).

With respect to claims 13 and 34, Wilson discloses all aspects of the claimed invention with the exception of a line of weakness on the side seam.

Ashton teaches the use of a line of weakness along the side seam of a disposable pant garment in order to facilitate the easy removal of the garment, as disclosed in column 5, lines 13-15.

It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the garment of Wilson with a line of weakness, as taught by Ashton, to facilitate the easy removal of the garment.

With respect to claims 36, 37, 39, and 40, Wilson discloses all aspects of the claimed invention with the exception of the front and back side panels being elastomeric.

Ashton discloses front and back side panels comprising elastomeric materials that allow the front and back side panels to stretch in a direction transverse to the longitudinal axis of the garment, as described in column 4, lines 31-38. The elastomeric side panels provide the garment with a more comfortable fit, as disclosed in column 4, lines 44-50.

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It would therefore be obvious to one of ordinary skill in the art at the time of invention to construct the garment of Wilson with elastomeric side panels, as taught by Ashton, to provide the garment with a more comfortable fit.

Response to Arguments

Applicant's arguments filed October 20, 2003 with respect to the rejection(s) of claim(s) 1-33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wilson (3,039,466).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3590.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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cla

January 10, 2004

Glenn
GLENN K. DAWSON
PRIMARY EXAMINER